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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,184	03/06/2000	Jukka Vialen	324-009249-US(PAR)	7843

7590 06/16/2004
Clarence A Green
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EXAMINER

ZIA, MOSSADEQ

ART UNIT PAPER NUMBER

2134

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/519,184

Applicant(s)

VIALEN ET AL.

Examiner

Mossadeq Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 5, 9, 13, 14, 16, 17, 20, 24, 28, 29, 31, 32, 35, 39, 43, 44 are rejected under 35 U.S.C. 102(b) as anticipated by Patent. No. 5,319,712 Finkelstein et al.**

3. Regarding claims 1, 16, 31, Finkelstein discloses method of ciphering data transmission in a radio system comprising:

generating a ciphering key (session key) (col. 3, line 36-38);

producing a ciphering mask in a ciphering algorithm using the ciphering key as an input parameter (col. 3, 31-33);

producing ciphered data by applying the ciphering mask to plain data and (col. 3, line 68, col. 4, line 1);

using a logical channel specific parameter or a transport channel specific parameter (frame number) as an additional input parameter to the ciphering algorithm (Finkelstein, col. 3 line 35-37).

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4. Regarding claims 2, 17, 32, Finkelstein discloses claim 1 above, and further comprising: using the direction of transmission as an additional input parameter to the ciphering algorithm (Finkelstein, fig. 1, element 124, col. 5, line 19-21).
5. Regarding claims 5, 20, 35, Finkelstein discloses claim 1 above, and further comprising: using a radio frame specific parameter (frame number structure, Finkelstein, col. 3, Table 1) as an additional input parameter to the ciphering algorithm (Finkelstein, col. 3, line 36-37, col. 4, line 65-67).
6. Regarding claims 9, 24, 39, Finkelstein discloses claim 1 above, and further discloses that the plain data includes one Radio Link Control Layer Protocol Data Unit (packet) from one logical channel, and for said logical channel an individual ciphering mask (sequence number is assigned to each packet) is produced (Finkelstein, fig. 1, element 106, 124, col. 5, line 15-17, 23-24).
7. Regarding claims 13, 28, 43, Finkelstein discloses claim 1 above, and further show that the ciphering is performed in the Medium Access Control Layer (Layer 2) of a protocol stack (Finkelstein, col. 3, line 68, col. 4, line 1).
8. Regarding claims 14, 29, 44, Finkelstein discloses claim 1 above, and further wherein a new ciphering mask is produced for each radio frame of the physical layer of the protocol stack (Finkelstein, col. 3, 35-37, col. 4, col. 5, line 33-35).

Response to Arguments

9. Applicant's arguments filed 03/26/2004 regarding claims 1, 2, 5, 9, 13, 14, 16, 17, 20, 24, 28, 29, 31, 32, 35, 39, 43, 44 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain

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features of applicant's invention, it is noted that the features upon which applicant relies (i.e., logical channel specific parameter or transport channel specific parameter as defined in the 3GPP specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicant's arguments, see first 3 paragraphs, filed on page 13 with respect to claim 15, 30, 45 have been fully considered and are persuasive. The 35 USC 112, first paragraph rejections for the listed claims has been withdrawn.

11. Applicant's arguments, see first 3 paragraphs, filed on page 13 with respect to claim 3, 4, 6-8, 10, 11, 12, 18, 19, 21, 22-23, 25-27, 33, 34, 36, 37, 38, 40-42 have been fully considered and are persuasive. The 35 USC 103(a) over Patent No. 5,319,712 by Finkelstein et al. in view of Patent No. 6,535,979 by Vialen et al. rejection for the listed claims has been withdrawn.

Allowable Subject Matter

12. Claim 3, 4, 6-8, 10, 11, 12, 18, 19, 21, 22-23, 25-27, 33, 34, 36, 37, 38, 40-42 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The examiner can normally be reached on Monday-Friday between 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mossadeq Zia
Examiner
Art Unit 2134

mz
6/14/04


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2134

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